



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/533,159

05/08/2006

Shinji Yamamoto

Q87739

9114

65565

7590

12/29/2008

SUGHRUE-265550

2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

LEE, RIP A

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

12/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1796

Attachment to Advisory Action

This advisory action follows a response filed on December 15, 2008.

Applicant presents proposed amendments 7, 9, 13, 14, 17, and 18 and submits that Yamamoto *et al.* (JP 11-106570, hereinafter “Yamamoto”) does not the subject of these claims obvious. Applicant states that the present invention has the effect of improved elongation (%) and abrasion resistance due to the presently claimed composition’s high gel fraction. Applicant refers to examples at page 22-28 of the specification and notes comparative examples 11 and 12, which show compositions that do not contain silica particles.

Applicant’s argument is not found persuasive. As elucidated in paragraph 4 of the final office action dated August 15, 2008, Yamamoto discloses making the same base composition by kneading polyolefin, polyamide fiber, and silane coupling agent, and the inventors fully contemplate addition of the filler, “white carbon” (silica). The missing element which is not disclosed in the reference is the amount of white carbon, relative to the polyolefin. Segal (U.S. 4,207,373) was relied upon to furnish an otherwise obvious missing element; see paragraph 5 of the final office action. Segal teaches that mechanically strong and impact resistant fiber reinforced polyolefin compositions may be prepared with an optimized quantity of 10-60 wt % siliceous filler, and thus, the skilled artisan would have found it obvious to make the claimed compositions from the combined teaching of prior art.

Applicant has not provided reason as to why the skilled artisan would not have found it obvious to use silica as filler in Yamamoto’s composition, even though the inventors contemplate its use. Applicant has not elaborated on why the skilled artisan, upon suggestion from Segal, would not have found it obvious to make Yamamoto’s composition containing silica in an amount of 1-100 parts by weight and in an amount of 10-60 wt %.

The experimental data shows that samples containing a 8/2 polyolefin/polyamide ratio exhibit comparable elongation when silica is not present and when it is present in an amount of 10 wt pts (examples 4, 6, and 7). That abrasion resistance is larger for samples containing silica is neither surprising or unexpected. Examples 8-10 simply show that addition of more silica

Art Unit: 1796

predictably results in reduction of elongation and increase in abrasion resistance. It is not entirely clear, and Applicant has not elucidated, what is truly unexpected about the elongation and abrasion resistance at the claimed level of 1-100 wt pts and 10-60 wt pts of silica. Even if these data are unexpected, the results do not appear commensurate in scope with the level of protection sought by Applicant. As seen in examples 1-5, the polyolefin/polyamide ratio mitigates the properties imparted by silica such that a leveling effect is observed in the elongation property toward higher polyolefin/polyamide ratio.

In light of these considerations, the rejection will have been maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu S. Jagannathan, can be reached at (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Rip A. Lee/
Art Unit 1796

December 21, 2008

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796